

deserving the confidence of the court, and, therefore, it is not to be apprehended that loss will result to the creditors, or heirs at law of the deceased, by the refusal of the court to grant the application; and, therefore, so far as concerns those who are the peculiar objects of its care, no very urgent reason seems to exist for its interposition. It is true, that in the selection of trustees, this court, as has been observed upon several occasions, will always give due weight to the wishes of those who are interested in the result of the sales, and, that in creditors bills, the recommendation of a majority in amount is seldom disregarded. If, therefore, the creditors represented by Mr. Latrobe, had made their wishes known *prior to the decree*, it can scarcely be doubted that they would have been gratified. But they come *after the decree*, and without stating any circumstance affecting the fitness of the persons appointed by this court, to discharge faithfully the trust confided to them, they ask that the decree be opened, to let in a new trustee of their selection.

The Chancellor has carefully considered the subject, and has come to the conclusion that it would be establishing an inconvenient and embarrassing precedent to grant the application. There may have been some surprise in the matter, but I am fully persuaded, nothing was done by the parties, or their counsel, on either side, which can be regarded as indicating a disposition to secure an unfair advantage. Unless something of this sort is shown, and in the absence of any imputation against the capacity or fidelity of the trustees, it seems to me, upon mature reflection, it would be wrong to open the decree.

The petitioners' counsel, though not one of the trustees to make the sale, will, of course, observe the proceedings of those who are, and will, with his accustomed ability and diligence, superintend the interests of his clients, and, therefore, I can see no substantial ground upon which the decree can be disturbed. That the parties whose rights are to be affected will be likely to suffer, is not alleged, and hence, as I conceive, the prayer of the petition cannot be granted. The Chancellor thinks he can only look to the interests of the parties to the suit, and,